

Message Text

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ACTION NEA-10

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TO SECSTATE WASHDC PRIORITY 4036
INFO AMCONSUL JERUSALEM

C O N F I D E N T I A L TEL AVIV 8557

E.O. 11652: GDS
TAGS: CARR, IS (ESMAIL, SAMI)
SUBJECT: W/W ARREST- SAMI ESMail

REF: STATE 169104

1. ANSWERS TO THE QUESTIONS POSED IN REFTel HAVE BEEN
COORDINATED WITH DEFENSE ATTORNEY LANGER.

2. ESMail MAY APPEAL HIS CONVICTION. ESMail AND
FAMILY, HOWEVER, HAVE INSTRUCTED ATTORNEY LANGER
NOT TO APPEAL AS THEY DO NOT BELIEVE THE SUPREME
COURT WOULD OVERRIDE THE TEL AVIV DISTRICT COURT
DECISION. FURTHER, SAMI IS CONCERNED THAT AN APPEAL
(WHICH MUST BE MADE WITHIN 45 DAYS OF SENTENCING, JUNE
12) MIGHT CAUSE PROSECUTION TO ALSO APPEAL WHICH COULD
RESULT IN A MORE SEVERE SENTENCE.

3. ACCORDING TO ATTORNEY LANGER, SAMI HAS RULED OUT
ANY REQUEST BY HER FOR CLEMENCY AS HE CONSIDERS SUCH
AN ADMISSION OF GUILT.

4. DEPORTATION IS NOT AUTOMATIC. THE STATE PROSE-
CUTOR MUST ASK FOR AN ORDER OF DEPORTATION.
ATTORNEY LANGER STATES SHE WILL OPPOSE ANY SUCH RE-
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QUEST. AT JUNE 12 SENTENCING SESSION, STATE PROSE-
CUTOR SIROTA TOLD COMOFF SHE DEFINITELY WOULD ASK
FOR ESMail'S DEPORTATION FOLLOWING COMPLETION OF
HIS SENTENCE.

5. IF DEPORTED, RETURN TO ISRAEL WOULD ONLY BE PER-
MITTED BY OBTAINING SPECIAL PERMISSION FROM THE

MINISTRY OF INTERIOR.

6. ATTORNEY LANGER CONFIRMS ACTING DIRECTOR GERSHONI'S OBSERVATION THAT FOREIGN SECURITY PRISONERS HAVE A GOOD CHANCE OF BEING RELEASED FOR GOOD BEHAVIOR FOLLOW-COMPLETION OF TWO-THIRDS OF THEIR SENTENCE. IN FACT, ATTORNEY LANGER STATES THAT IN HER EXPERIENCE FOREIGN NATIONALS SENTENCED ON SECURITY CHARGES HAVE OFTEN HAD THEIR SENTENCES COMMUTED AFTER SERVING BUT ONE-THIRD OF THEIR SENTENCES. THE DECISION TO RELEASE WAS MADE BY A 3-MAN COMMISSION FOR EARLY RELEASE (PROBATION BOARD) CONSISTING OF A PRESIDING DISTRICT JUDGE, A REPRESENTATIVE OF THE ATTORNEY GENERAL AND A REPRESENTATIVE OF THE COMMISSIONER OF PRISONS. ACCORDING TO GERSHONI, THE RECOMMENDATIONS OF THE ATTORNEY GENERAL'S OFFICE, THROUGH ITS REPRESENTATIVE ON THE COMMISSION, IS EXTREMELY IMPORTANT. THIS UNDOUBTEDLY WOULD PARTICULARLY APPLY WHEN TREATING FOREIGN PRISONERS. IN ADDITION TO GOOD BEHAVIOUR, FACTORS INFLUENCING THE DECISION INCLUDE: THE TYPE OF CRIME, SEVERITY OF THE SENTENCE AND PERSONAL CIRCUMSTANCES OF THE PRISONER.

7. DURING THE MINI TRIAL, DEFENSE ATTORNEY LANGER HAMMERED UNSUCCESSFULLY AT POLICE OFFICER WITNESSES IN AN ATTEMPT TO OBTAIN ADMISSIONS THAT ESMAIL HAD CONFIDENTIAL

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COMPLAINED OF MISTREATMENT. POLICE WITNESSES CONSISTENTLY DENIED RECEIVING ANY COMPLAINTS OF MISTREATMENT FROM ESMAIL. THE ONLY EXCEPTION IN THE COURT RECORD PERTAINS TO THE TESTIMONY OF JAIL KEEPER NATHAN WHO ACKNOWLEDGE RECEIVING A WARNING AGAINST MISTREATMENT OF ESMAIL FROM VICE CONSUL AT DECEMBER 25 VISIT.

8. A TRANSLATION OF THE COURT'S OPINION ON THE CONVICTION HAS JUST BEEN COMPLETED BY THE EMBASSY AND WILL FOLLOW AS SEPTTEL.
LEWIS

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